

BOARD OF APPEALS
for
MONTGOMERY COUNTY

Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600

Case No. CBA-2904-D

PETITION OF GREEN ACRES SCHOOL

RESOLUTION TO GRANT ADMINISTRATIVE MODIFICATION

(Resolution Adopted June 12, 2002)
(Effective Date of Resolution: July 2, 2002)

The Board of Appeals is in receipt of a letter from Susan W. Carter, Esquire dated May 21, 2002. Ms. Carter's letter states in part:

"I am writing to you on behalf of my client, Green Acres School, to request an administrative modification of the School's special exception approval for a private educational institution."

"Green Acres School is located at 11701 Danville Drive in Rockville and has operated pursuant to special exception approval at that location since 1954. The School has a maximum enrollment of 320 students and serves children from pre-K through eighth grade. In 1997, the Board of Appeals approved a major modification to the School's existing approval which included the renovation and expansion of the classroom and related facilities as well as the addition of a new driveway to provide for queuing of vehicles during arrival and dismissal periods."

"The School now proposes several modifications to the plans that were approved by the Board in 1997. In an effort to foster good communication with the community, School representatives have hosted several meetings to share these plans with the residents on neighboring streets, and have also presented the plans to the Luxmanor Citizens Association. All feedback has been positive. Attached is a copy of a letter from the Luxmanor Citizens Association supporting the proposed modifications."

"The changes which we propose are as follows:"

- "1. Addition of basement level to 5-6 building

One of the new classroom buildings approved in 1997 is intended to serve students in the 5th and 6th grades. This is a one-story building depicted on the attached site plan as "5-6 Classroom Building." The School does not propose any change in the footprint of the building as approved, nor does it propose any change in the height or exterior elevation of the structure. However, the School would like to provide some additional classroom and lab area for its students by constructing a basement level to this building. The basement would be located entirely below grade and would not be visible from the surrounding area (see attached elevation). The only exterior evidence of a basement level would be the exit stairway required as a fire exit."

"The Green Acres School uses a very "hands-on" approach to learning, which includes very small class sizes and an opportunity for children to learn through active participation and hands-on experience. The basement level would provide an area for the School to set up a photography lab, to store classroom projects, to teach drama, and to provide a safe gathering space for students during emergency situations. No change in enrollment or staff is proposed. Thus, there will be no change in the mass or bulk of the building and no change in the appearance of the structure discernable to the surrounding neighborhood."

"2. Clarification of proposal for bathhouse

The 1997 approval included an addition to the activities building (gymnasium), which is depicted on the attached site plan as "Bathhouse/Music & Art." At the time of the hearing, the plans for the bathhouse addition were fairly conceptual, but it was always contemplated to be a one-story structure as viewed from the front and two-stories as viewed from the rear. The addition was necessarily designed this way because it is being constructed on a slope. However, the opinion does not make this completely clear as it simply refers to all of the buildings as one-story structures."

"Thus, we are including with this request for administrative modification a set of elevations which more clearly depict exactly what is proposed in terms of the design of the bathhouse addition. There is no change in the footprint nor in the height of the addition as originally approved. These plans simply provide more detail concerning the appearance of the addition, which was already conceptually approved by the Board."

“3. Modification to main building façade

The footprint for the main building, as approved in 1997, is reflected on the attached site plan. The School had originally planned to expand the front of the main building along a straight plane. However, in designing the interior space of the School, it has become apparent that, for structural reasons, a small area could not be extended without resulting in unusable space. Thus, the School proposes a small recessed area in the front of the building which, we believe, will better define the entrance and will improve the exterior appearance, while addressing this practical consideration.”

“Similarly, the School proposes a very slight reduction in floor area on the western side of the main building because it has determined that this additional area is unnecessary.”

“In both cases, the revisions will slightly reduce the footprint of the main building as previously approved and will have no impact upon the surrounding neighborhood.”

“4. Swimming pool reconfiguration

The swimming pool has been reconfigured in order to respond to a Health Dept. requirement that mandates that the shallow end of the pool must be located on the side of the pool nearest the bathhouse, presumably for safety reasons. The attached site plan illustrates the shape of the pool as originally approved as well as the proposed revision. As originally approved, the pool was essentially rectangular in shape with a semi-circle at the western end of the pool for shallow water activities. The pool as reconfigured has shifted slightly closer to the bathhouse and is rectangular in shape with a “V-shaped” extension on the north side, closest to the activities building. The fence along the southern side of the pool as well as the wall located on the western end will be shifted slightly closer to the pool, thus slightly reducing the overall pool area.”

“The proposed reconfiguration will have no impact upon the surrounding community. The modification simply changes the shape of the water and the location of the shallow end. There will be no change in the appearance of the pool area on surrounding properties because it will be located entirely within the fenced or walled area and is separated from the nearest residences by either the woods or the soccer field.”

The subject property is Parcel B, Block 3, "Old Georgetown Estates" subdivision, as recorded among the Land Records of Montgomery County, Maryland at Plat 20716, located at 11701 Danville Drive in Rockville, Maryland in the R-200 zone.

Section 59-G-1.3 (c) of the Zoning Ordinance provides, in pertinent part, that the Board may amend or modify the terms or conditions of a special exception approval without convening a public hearing:

"If the proposed modification is such that the terms or conditions could be modified without substantially changing the nature, character or intensity of the use and without substantially changing the effect on traffic or on the immediate neighborhood..."

The Board considered the requested modification at its Worksession on June 12, 2002. The Board finds that the modifications which have been proposed will have no discernable impact upon the surrounding neighborhood, nor will they substantially change anything about the nature, character, or intensity of the use. Moreover, there will be no effect whatsoever upon traffic. Therefore,

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the record in Case No. CBA-2904-D, Petition of Green Acres School, is hereby re-opened to receive Susan W. Carter's May 21, 2002 letter; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that the request to add a basement level to the 5-6 building, construct the addition to the activities building as depicted on the elevations submitted with the request for administrative modification, modify the façade of the main building, and reconfigure the swimming pool is granted; and

BE IT FURTHER RESOLVED by the Board of Appeals for Montgomery County, Maryland that all terms and conditions of the original special exception granted in Case No. CBA-2904, together with any modifications thereto granted by the Board of Appeals, remain in full force and effect.

On a motion by Donna L. Barron, seconded by Allison Ishihara Fultz, with Louise L. Mayer, Angelo M. Caputo, and Donald H. Spence, Jr., in agreement, the Board adopted the foregoing Resolution.

Donald H. Spence, Jr.
Chairman, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 2nd day of July, 2002.

Katherine Freeman
Executive Secretary to the Board

NOTE : Any party may, within fifteen (15) days of the date of the Board's Resolution, request a public hearing on the particular action taken by the Board. Such request shall be in writing, and shall specify the reasons for the request and the nature of the objections and/or relief desired. In the event that such request is received, the Board shall suspend its decision.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.